

### **REMARKS**

After entry of this amendment, claims 1, 2, 4-24 and 33-37 will be pending in this application, with claims 13-23 withdrawn. Claims 2, 4-7 and 10 have been amended, claims 24-32 cancelled and new claims 33-37 added. Claims 2 and 4 have been amended to better clarify the invention. Claim 5 has been amended to change its dependency. The remaining claim amendments will be discussed below. No new matter has been added and support for the amended claims may be found in the original claims and throughout the specification. Further, as discussed below, the specification has been minorly amended. No new matter has been added.

The foregoing amendments are taken in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled in view of the prior art.

By amending the application, the Applicant does not concede that the patent coverage available to them would not extend as far as the original claim. Rather, Applicant reserves the right to file a continuation application to pursue the breadth of the claims as filed. Applicant believes that the Examiner has not made a sufficient showing of inherency of the teachings of the asserted prior art, especially given the lack of teachings in the cited references of the properties that Applicant has recited in their claims.

Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicant from capturing every nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. See, Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., 62 USPQ2d 1705 (2002). Accordingly, the foregoing amendments are made specifically in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled.

#### **Restriction Requirement**

The Examiner objected to claims 10-12 as not encompassing the elected invention, stating that the elected species in Fig. 4 did not show a wash basin or a

sink. Applicant has amended claim 10 to remove the objectionable elements. Applicant respectfully requests that this objection be withdrawn and that claims 10-12 be examined.

#### Drawings

The Examiner objected to the drawings as not disclosing each element of the claim. Applicant has amended claim 6 to remove the objectionable element. Applicant respectfully requests that this objection be withdrawn.

#### Specification

The Examiner objected to the specification as not providing proper antecedent basis for 'support ring' found in claim 8. Contrary to the assertion of the Examiner, verbatim support for claim elements need not be present in the specification. Nonetheless, to advance prosecution Applicant has amended paragraphs [0034] and [0035] of the specification to include verbatim support for 'support ring'. Applicant respectfully requests that this objection be withdrawn.

#### Rejections under 35 U.S.C. §112

The Examiner rejected claim 7 under 35 U.S.C. §112, first and second paragraph. Applicant respectfully asserts that the rejection under the first paragraph is confusing and requests further clarification or its withdrawal. Applicant has amended claim 7 to change 'and combinations thereof' to 'or combinations thereof'. No change in scope of the claim is intended as both phrases encompass combinations of the listed elements. Applicant respectfully requests that these rejections be withdrawn.

#### Rejections under 35 U.S.C. §103

The Examiner rejected claims 1, 4, 5, 8 and 9 as obvious over U.S. Patent No. 3,381,315 to Glassberg ("Glassberg") in view of U.S. Patent No. 1,527,340 to Wood ("Wood"). This rejection is traversed.

Applicant agrees with the Examiner that Glassberg does not disclose the visual orientation cue of present claim 1. Contrary to the assertion of the Examiner, no motivation to combine the references exists. The Examiner has offered only a

conclusory statement that motivation to add a visual orientation cue is present without identifying where in the art motivation is found. Thus the Examiner has not made a prima facie case of obviousness.

Moreover, Glassberg is not the source of the motivation. Glassberg's total discussion of placement of the receptacle is the following quote: "After the bag 30 is properly positioned, a child 60 can be seated on the cylinder and if necessary strapped thereon by the seat belts (FIG. 3)." (2:3-6). The mention of proper placement alone cannot provide motivation to add a visual orientation cue especially because the disclosed toilet is for use by children with the help of adults, not a toilet for use without assistance or with minimal assistance as discussed in the present specification.

Wood also is not the source of the motivation. Wood's discussion of the lugs for the handle does not mention any sort of alignment purpose for the lugs. Indeed, the purpose of the lugs appears to be a way of hiding the handle. Applicant respectfully requests that this rejection be withdrawn.

With regard to amended claim 4, the cited art does not disclose the use of an extension from the front of the toilet as a visual orientation cue. When combined with the pair of handles, the extension provides an intuitive cue on the proper use of the disposable hygiene device, even for a person with limited mental faculties. Applicant respectfully requests that this rejection be withdrawn.

The Examiner rejected claims 1, 2, 4, 5, 8 and 9 as obvious over Glassberg and Wood further in view of U.S. Patent No. 1,978,871 to Thuren ("Thuren"). This rejection is traversed.

Contrary to the assertion of the Examiner, Thuren is not combinable with Glassberg to achieve the presently claimed invention. The Examiner's attention is drawn to the brief description of the drawings in Thuren, where an inner and an outer receptacle are described. This use of two receptacles is contrary to the teaching of the present invention. Thus combining the inventions of Glassberg and Thuren would not achieve the present invention. Thus it would be improper to combine the two references.

Moreover, contrary to the assertion of the Examiner this is no motivation to combine the references. Given that Thuren discloses a two receptacle system, the Examiner has not identified any motivation to substitute the two receptacle system of

Thuren with the system of Glassberg. Thus the Examiner has not made a prima facie case of obviousness. Applicant respectfully requests that this rejection be withdrawn.

With regard to claim 2, none of the references teaches or suggests a substantially flat toilet seat with a pair of handles and visual orientation cue.

With regard to claim 4, none of the references teaches or suggests a substantially flat toilet set with a pair of handles and an extension extending from the front of the toilet seat.

The Examiner rejected claims 6 and 7 as obvious over Glassberg and Wood further in view of U.S. Patent No. 6,532,605 to Howell ("Howell"). This rejection is moot in view of the amendments to claim 6.

Moreover, contrary to the assertion of the Examiner, the elements of claim 7 are not disclosed by Glassberg. The portion cited by the Examiner is as follows: "Cylinder 38 is hollow and can contain medicines, first aid equipment and the like 46". (1:58-59). Such a vague disclosure would not be construed by a skilled artisan to include the specific items listed in the claim: toilet paper, sanitary wipes, odor control devices, hydroscopic material, and combinations of these items. Applicant respectfully requests that this rejection be withdrawn.

Claims 6 and 34 sets forth that the visual orientation cue may include markings on the toilet seat to indicate the proper or improper use of the toilet seat. None of the cited references teach or suggest such a feature. Likewise none of the references teach or suggest an odor control device as set forth in claim 35 nor the use of a hydroscopic material as set forth in claim 36. For these reasons, Applicant asserts that these claims are patentable over the cited art.

## **CONCLUSIONS**

In view of Applicants' amendments and remarks, the Examiner's rejections are believed to be rendered moot. Accordingly, Applicants submit that the present application is in condition for allowance and requests that the Examiner pass the case to issue at the earliest convenience. Should the Examiner have any question or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (319) 594-2200.

If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-1097 for any fee which may be due.

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